

CHEMCO.023A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Giesler, et al.

) Group Art Unit 2164

Appl. No. : 09/493,794

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Filed : January 28, 2000

) June 19, 2002

For : BUSINESS-TO-BUSINESS
ELECTRONIC COMMERCE
CLEARINGHOUSE

(Date)
Adeel S. Akhtar
Adeel S. Akhtar, Reg. No. 41,394

Examiner : R. Weisberger

)

Original Action
PATENT
JULY 17, 2002
COPY OF PAPERS
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RESPONSE TO OFFICE ACTION AND ELECTION OF SPECIES

Commissioner for Patents
United States Patent and Trademark Office
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Dear Sir:

Please accept this office action response, election of species, and update to Applicant's counsel of record.

Office Action Response and Election of Species

In an Office Action mailed March 26, 2002, the Examiner required restriction of prosecution to one of four groups of claims. Applicants respectfully assert that in the Office Action, the Examiner made a typographical error in defining group 1 as comprising "Claims 1-20" instead of Claims 1-10. The Examiner has not returned any of Applicants' counsel's telephone calls related to this issue to confirm this error. Accordingly, Applicants assert that the Examiner intended to restrict prosecution to four groups of claims as follows:

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- Group 1: Claims 1-10, drawn to a system for facilitating chemical supplier transactions, classified in class 705, subclass 28.
- Group 2: Claims 11-19, drawn to a banking computer network, classified in class 705, subclass 39.
- Group 3: Claims 20-25, drawn to a method for facilitating chemical supplier transactions between members in a trading network, classified in class 705, subclass 37.
- Group 4: Claims 31-34, drawn to a method for facilitating chemical supplier transactions between members in a trading network through use of a clearing house, classified in class 705, subclass 37.

In response to this restriction requirement, Applicants elect to proceed, without traverse, with prosecution on the merits of Group 1 (Claims 1-10) drawn to a system for facilitating chemical supplier transactions, classified in class 705, subclass 28.

Applicants submit that the application is condition for continued examination on the merits, and respectfully request the same.

Update to Applicant's Counsel of Record

On November 19, 2001, Applicants submitted an Assignment and Power of Attorney to the PTO listing Applicants' new counsel as the law firm of Knobbe Martens Olson & Bear. On January 8, 2002, the PTO stamped and returned a postcard acknowledging receipt of this Assignment and Power of Attorney. On January 16, 2002, the PTO sent Applicants a Notice Regarding Power of Attorney that correctly reflected the acceptance of the Power of Attorney which listed Applicants' counsel as Knobbe Martens Olson & Bear. A copy of each of these documents has been enclosed with this response.

Despite the apparent proper acceptance of the Assignment and Power of Attorney, the Office Action mailed on March 26, 2002 was improperly sent to Applicants' prior counsel, Hunton & Williams. This failure created a delay in Applicants' receipt of the Office Action, and a consequent delay of Applicants' response until after the initial one-month response period. Consequently, Applicants assert that no filing fee should be due for a statutory time extension in connection with this response, as the delay was caused by the PTO. In addition, Applicants request that all future correspondence be addressed to Applicants' proper attorneys of record:

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 19, 2002

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